

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ELECTRONICALLY FILED
DOC #: <u>12/9/09</u>
DATE FILED: <u>12/9/09</u>

BLACKSTONE GROUP LP,

Plaintiff,

-against-

09 Civ. 9947 (CM)

NEW YORK HOTEL AND MOTEL
TRADES COUNSEL, AFL-CIO,

Defendant.

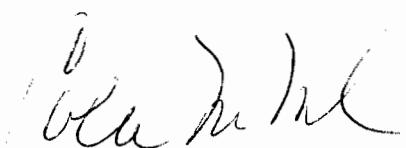
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REQUEST FOR CLARIFICATION

McMahon, J.:

The court has been advised, by counsel in a different case, that the subpoena that underlies the instant action has been quashed (see attached letter). A review of the docket sheet in a third matter indicates that the third matter has been withdrawn, on the ground that the underlying subpoena has been quashed.

Will this matter be continuing? If so, the court will proceed to perform a conflicts check.


U.S.D.J.

BY ECF TO ALL COUNSEL



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December 7, 2009

VIA FACSIMILE 212-805-6326

Honorable Colleen McMahon, U.S.D.J.
U.S. District Court
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007-1312

**Re: THI III, L.L.C., d/b/a The London NYC v. New York Hotel and Motel Trades Council, AFL-CIO
Civil Action No.: 09 CV 9994**

Dear Judge McMahon:

We represent the Plaintiff (hereinafter "Hotel"). We write, in part at the urging of the Honorable Sidney H. Stein, who as the Court's emergent judge on Friday, December 4 remarked that on the basis of what he had heard from the parties' counsel it sounded to him as if this action was "related" to another case that had already been assigned to you as well as a third lawsuit that Defendant herein, the New York Hotel and Motel Trades Council, AFL-CIO ("Union"), had removed to this Court and requested be assigned to you as a "related" case as well.

Your Honor has been assigned *Blackstone Group LP v. New York Hotel and Motel Trades Council et al.*, 09 CV 9947, a lawsuit in which Blackstone Group sued the Union in state court and the Union removed the action to this Court.

I also understand that the Union has requested that you be assigned 09 CV 9987, a lawsuit in which Hilton Hotels Corporation sued the Union in state court and the Union removed the action to this Court. Evidently, the Union deemed 09 CV 9987 related to the lawsuit that had already been assigned to you.

With that backdrop, during our appearance before Judge Stein late Friday afternoon on an order to show cause that he did not hear on the record and as to which he declined to act, he commented that it sounded as though this action should also be assigned to you because of its relatedness to the Blackstone Group lawsuit. Making this already complicated story even more involved, you should know that I had requested assignment of this case to Judge Daniels because we viewed it as related to the several lawsuits that are before him relating to the well-publicized break-up of international union UNITE HERE--those cases are

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Gillis, et al. v. Wilhelm, et al., 09 CV 1116; *Raynor v. Wilhelm, et al.*, 09 CV 1374; and *Romney, et al. v. Wilhelm*, 09 CV 1690--but Judge Daniels declined to accept that assignment. (Chambers advised me, following its review of my filing, that he did not deem the action related to those lawsuits.) Immediately before filing this action, I had been informed that you were assigned the Blackstone Group lawsuit and my statement of relatedness had listed you as an alternative to Judge Daniels for assignment. I appeared before Judge Stein because Judge Daniels' chambers referred me there at the same time it declined assignment of the action. Finally, in the interest of full disclosure, my understanding is that this past Friday, December 4, the subpoena that was in issue in the case that was assigned to you, 09 CV 9947, was quashed by the Impartial Chairman under the New York City Hotel Industry Collective Bargaining Agreement. I do not provide this information with any knowledge as to whether that lawsuit will continue, but I recognize that discontinuance of that action may be a possibility and thought it important that the Court know of that development.

With all the above said, we respectfully request that Your Honor accept assignment of these lawsuits and advise the parties' counsel whether you are accepting their assignment. I am copying the Union's attorneys on this letter as well as counsel for the Hilton Hotels Corporation and transmitting it to each of them by facsimile.

Thank you for your prompt attention to this request.

Respectfully yours,


Jedd Mendelson

JM/dw

cc: Barry N. Saltzman, Esq.
Michael D'Angelo, Esq.
Jane Lauer Barker, Esq.
David R. Rothfeld, Esq.
Marjorie Kaye, Esq.
(All via facsimile)